

Message Text

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ACTION IO-10

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FM USMISSION GENEVA

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INFO AMEMBASSY BRASILIA

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AMEMBASSY LONDON

AMEMBASSY SANTIAGO

AMEMBASSY TEHRAN

AMEMBASSY TEL AVIVI

USMISSION NEW YORK

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E.O. 11652: GDS

TAGS: ECOSOC, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION - VIOLATION OF HUMAN RIGHTS

(AGENDA ITEM 6A)

REF: A. GENEVA 1004

B. GENEVA 873

1. THIS ITEM CONSIDERED IN TWO PARTS: (A) GENERAL
DISCUSSION IN PUBLIC SESSIONS AND (B) CONSIDERATION OF
REPORT OF ADHOC WORKING GROUP INCLUDING SPECIFIC
SITUATIONS REFERRED BY SUBCOMMISSION IN PRIVATE
SESSIONS.

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2. USDEL OPENED GENERAL DISCUSSION ON FEBRUARY 14 WITH STATEMENT REPORTED REF (A). EARLY PART OF DISCUSSION DOMINATED BY WEOS WHO FOCUSED ON WAYS TO IMPROVE ECOSOC RES 1503 PROCEDURES INCLUDING UK PROPOSALS TO MAKE AD HOC WORKING GROUP PERMANENT, TO ALLOW HRC TO CONSIDER DOCUMENTS RECEIVED AFTER SUBCOMMISSION REPORT, AND TO ALLOW COMMUNICANTS TO SEE GOVT RESPONSES. THESE PROPOSALS MAY BE FORMALLY SUBMITTED UNIDER AGENDA ITEM 18. YUGOSLAV REP CAUTIONED AGAINST TAMPERING WITH NEW AND AS YET UNTESTED MECHANISM. SESSION ENDED WITH VIOLENT OUTBURST BY IRANIAN REP (GANJI) WHO ARGUED THAT 1503 APPLIED ONLY TO APARTHEID, RACIAL DISCRIMINATION, SLAVERY, GENOCIDE AND SIMILAR GROSS OFFENSES AND THAT IT NOT DESIGNED TO BE USED FOR INDIVIDUAL CASES OF VIOLATIONS IN DEVELOPING COUNTRIES. HE ASSERTED THAT MANY HUMAN RIGHTS PROBLEMS IN DEVELOPING COUNTRIES DUE TO COLONIAL LEGACY AND THAT 1503 PROCEDURES BEING PUSHED CHIEFLY BY FORMER COLONIAL POWERS. IN RESUMED DISCUSSION ON FEBRUARY 17, SOVIET BLOC (USSR, BYELORUSSIA AND BULGARIA) REPEATED STANDARD OPPOSITION TO 1503 PROCEDURES (I.E., VIOLATION OF NATIONAL SOVEREIGNTY.).

3. CLOSED SESSIONS BEGAN AFTERNOON OF FEBRUARY 17. AFTER PROLONGED DISCUSSION, HRC DECIDED TO PERMIT OBSERVER DELS OF CITED COUNTRIES TO BE PRESENT ONLY DURING GENERAL DISCUSSION (NOT DECISION) THEIR CASES. (IRAN SUPPORTED BY UK WANTED DELS TO BE PRESENT THROUGHOUT CLOSED SESSIONS.) SOVIET BLOC ANNOUNCED THAT SINCE THEY CONSIDERED AD HOC WORKING GROUP ILLEGAL, THEY NOT PARTICIPATING IN DEBATE (THOUGH THEY REMAINED IN THE ROOM). ON POINT OF ORDER, IRAN RAISED QUESTION OF NGO ROLE CHARGING THEM WITH BREAKING RULES OF CONFIDENTIALITY IN TERMS OF BOTH COMMUNICATIONS AND PRIVATE SESSIONS OF HRC. HE ALSO NOTED THAT ONLY ONE OR TWO NGOS GENERALLY RESPONSIBLE FOR BRINGING CASES BEFORE HRC. IRAN VOCIFEROUSLY SUPPORTED BY ARAB STATES AND ZAIRE. THANKS MAINLY TO EFFORTS OF CHAIRMAN, DISCUSSION OF CONFIDENTIAL

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THIS MATTER DEFERRED TO GENERAL PROCEDURAL DISCUSSION SCHEDULED AFTER DECISIONS ON SEPARATE CASES. HRC PROCEEDED TO HEAR STATEMENTS BY OBSERVERS FROM BRAZIL, BURUNDI, PORTUGAL, CHILE AND UGANDA, AND BY HRC REPS FROM TANZANIA, UK, IRAN. (INDONESIA HAD PREVIOUSLY SUBMITTED FORMAL REPLY AND ISRAEL SENT LETTER WHICH WAS READ BY CHAIRMAN, EJECTING ALL ALLEGATIONS.) STATEMENTS AND QUESTIONS HANDLED IN

EXTREMELY BUSINESS-LIKE MANNER AND CONCLUDED MORNING SESSION OF FEBRUARY 19.

4. DURING AFTERNOON SESSION FEBRUARY 19, HRC APPROVED BY CONSENSUS FINAL DECISIONS ON CASES AS FOLLOWS:

(A) BRAZIL -HRC TO STUDY FURTHER AT 32ND SESSION, INCLUDING RESPONSE OF GOB (PROMISED BY BRAZILIAN OBSERVER DURING HIS STATEMENT);

(B) BURUNDI - NO FURTHER ACTION UNDER 1503 (WG RECOMMENDATION FOR ASSISTANCE DROPPED);

(C) GUYANA - NO FURTHER ACTION REQUIRED;

(D) INDONESIA - NO FURTHER ACTION REQUIRED (WG RECOMMENDATION THAT GOI PROVIDE INFO DROPPED AS EXCEEDING TERMS OF 1503.)

(E) TANZANIA - NO ACTION REQUIRED AND SUB-COMMISSION ATTENTION DRAWN TO HRC RECORDS WHICH EXPRESS STRONG DOUBTS AS TO WHY CASE WAS BROUGHT FORWARD;

(F) UK - NO FURTHER ACTION REQUIRED (WHICH REVERSED IMPLICIT WG RECOMMENDATION FOR FURTHER HRC CONSIDERATION INCLUDING REQUEST FOR FURTHER INFO);

(G) PORTUGAL - NO FURTHER ACTION REQUIRED .

(H) IRAN - NO FURTHER ACTION REQUIRED (SEVERAL DELS SUGGESTED THAT CASE SHOULD NOT HAVE BEEN FORWARDED);

(I) CHILE - AT US SUGGESTION, DECISION DEFERRED UNTIL CONSIDERATION UNDER AGENDA ITEM 7;

(J) ISRAEL - TO STUDY FURTHER AT 32 ND SESSION, INCLUDING RESPONSE OF GOI (US SUGGESTION THAT DECISION BE DEFERRED SIMILAR TO CHILE ABOVE REJECTED ON GROUNDS THAT SOME OF ALLEGED VIOLATIONS OCCURED IN ISRAEL WHILE AGENDA ITEM 4 COVERS ONLY OCCUPIED TERRITORIES. AFTER HIGHLY POLITICAL SPEECHES, IRAQ

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PROPOSED INVESTIGATION IN ACCORDANCE WITH 1503 (6)

(B). US REP STATED ITS OPPOSITION. COMPROMISE ABOVE PROPOSED BY GHANA.)

(K) UGANDA - TO CONSIDER FURTHER AT 32ND SESSION INCLUDING RESPONSE OF GOU. (UGANDA OBSERVER STATED THAT JUDICIAL INVESTIGATION UNDER WAY AND WOULD BE AVAILABLE BEFORE NEXT SESSION.)

5. AT REQUEST EGYPTIAN REP (WHO PLANS TO LEAVE SHORTLY) HRC WILL TAKE UP AGENDA ITEM 4 (VIOLATIONS IN ME OCCUPIED TERRITORIES) ON FEBRUARY 20 AND THEN REVERT TO 6(A). IN ADDITION TO PROCEDURAL PROPOSALS CONTAINED IN WG REPORT, DEBATE WILL ALSO COVER ROLE OF NGOS.

6. COMMENT: 1503 PROCEDURES WENT THROUGH SERIOUS TRIAL BUT, IN OUR VIEW, EMERGED IF ANYTHING SLIGHTLY STRENGTHENED. REPRESENTATIVES OF CITED COUNTRIES OBVIOUSLY FELT IT IMPORTANT TO APPEAR BEFORE AND, IN GENERAL, TO BE RESPONSIVE TO HRC. WHILE FINAL DECISIONS MAY LEAVE SOMETHING TO BE DESIRED IN TERMS OF POSITIVE ACTION, (E.G., INDONESIA), HRC DISPOSED OF WEAKER CASES AND AT LEAST KEPT ON AGENDA FOR FURTHER STUDY MORE SERIOUS SITUATIONS (BRAZIL AND UGANDA). PROCEEDINGS WERE GENERALLY BUSINESS-LIKE AND ONLY IN CASE OF ISRAEL WAS THERE CLEAR POLITICAL MOTIVATION BEHIND DISCUSSION AND ACTION TAKEN.

IT IS CLEAR THAT ARAB STATES WOULD LIKE TO BURY 1503 (EXCEPT, OF COURSE, WHEN IT CAN BE USED AGAINST ISRAEL). IRAN AND EGYPT PARTICULARLY VOCIFEROUS, WITH LATTER TAKING SOVIET-LIKE "NON-PARTICIPATION" STANCE. THE TARGET THIS YEAR WHEN DISCUSSION THIS ITEM RESUMES WILL BE ROLE OF NGOS, AND WE ANTICIPATE RESOLUTION WHICH WILL ATTEMPT TO CLIP THEIR WINGS. APPOINTMENT OF NEW AD HOC WORKING GROUP ALSO MAY COME UNDER ATTACK. ARAB STATES SUPPORTED BY SOVIET BLOC.

INTERESTING DEVELOPMENT HAS BEEN SUPPORT OF
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1503 BY AFRICAN STATES. SENEGAL HAS TAKEN LEAD IN REJECTING THESIS OF INTERFERENCE IN NATIONAL SOVEREIGNTY AND GHANA IN WORKING OUT COMPROMISE SOLUTIONS. DALE

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